



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TAHEEN HAYES #05A3850
Plaintiff(s)

vs.
I. DAHLE, CORRECTIONS OFFICER
INDIVIDUAL AND OFFICIAL CAPACITY; ET AL
Defendant(s)

(SEE ATTACHED SHEET)

INMATE
CIVIL RIGHTS
COMPLAINT PURSUANT
PURSUANT TO
42 U.S.C. § 1983

Case No. 9: 16CV1368

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: TAHEEN HAYES (DEN# 05-A-3850)
Address: UPSTATE CORRECTIONAL FACILITY
309 BARE HILL RD BOX #2001
MALONE, NY 12953

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: I. DAHLE
Official Position: CORRECTIONS OFFICER
Address: COXSACKIE CORR. FAC.
11760 ROUTE 9W. BOX #200
COXSACKIE, NY 12051-0200

CONTINUATION OF PAGE #1 CAPTION

DANIEL F. MARUSCELLI, JR. SUPERINTENDENT OF COXSACKIE,
INDIVIDUAL AND OFFICIAL CAPACITY;

RAYMOND SHANLEY, DEPUTY OF SECURITY OF COXSACKIE,
INDIVIDUAL AND OFFICIAL CAPACITY;

JASON A. MEIER, CORRECTION OFFICER, INDIVIDUAL AND OFFICIAL
CAPACITY;

GREGORY E. LANGTRY, CORRECTION OFFICER, INDIVIDUAL AND
OFFICIAL CAPACITY;

STEPHEN A. BENCE, CORRECTION OFFICER, INDIVIDUAL AND
OFFICIAL CAPACITY;

E. COON, CORRECTION OFFICER, INDIVIDUAL AND
OFFICIAL CAPACITY;

K. HOFFMAN, CORRECTION OFFICER, INDIVIDUAL AND
OFFICIAL CAPACITY;

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S. IARLUSSO, O.R.C / INMATE COUNSELOR, INDIVIDUAL
AND OFFICIAL CAPACITY;

b. Defendant:

DANIEL F. MARZUSCIELLO, SR.

Official Position:

SUPERINTENDENT

Address:

COXSACKIE CORR. FAC.
11260 ROUTE 9W. P.O. Box #200
COXSACKIE, NY 12051-0200

c. Defendant:

RAYMOND SHAWLEY

Official Position:

DEPUTY SUPERINTENDENT OF SECURITY (D.S.S.)

Address:

COXSACKIE CORR. FAC.
11260 ROUTE 9W. P.O. Box #200
COXSACKIE, NY 12051-0200

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

☒ Yes

☐ No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

☐ Yes

☒ No

If your answer to 4b is YES,

(i) What steps did you take? _____

(ii) What was the final result of your grievance? _____

CONTINUATION OF PAGE #2 (DEFENDANTS)

D. JASON. A. MEIER
CORRECTION OFFICER

E. GREGORY. E. LANGTRY
CORRECTION OFFICER

F. STEPHEN. A. BENCE
CORRECTION OFFICER

G. E. COON
CORRECTION OFFICER

H. K. HOFFMAN
CORRECTION OFFICER

I. J. IARZUSSO
O.R.C. — INMATE COUNSELOR

ADDRESS TO ALL DEFENDANTS:

COXSACKIE CORR. FAC.
11260. ROUTE 9W. P.O. BOX #200
COXSACKIE, NY 12051-0200

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? BECAUSE I HAD

FILED AND EXHAUSTED MY GRIEVANCE(S) AT

COXSACKIE C.F. WHERE THE INCIDENT(S) HAD TOOK PLACE.

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

☐ Yes

☐ No

If your answer to 4c is YES,

- (i) What steps did you take? _____

- (ii) What was the final result regarding your complaint? _____

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

5. PREVIOUS LAWSUITS

- a. Have you filed other lawsuits in state or federal court relating to your imprisonment?

☒ Yes

☐ No

- b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiff(s): IAHEEN HAYES

Defendant(s): STATE OF NEW YORK

ii. Court (if federal court, name District; if state court, name County):

CHENANGO COUNTY

iii. Docket number:

SONI RECALL

iv. Name of Judge to whom case was assigned:

SONI RECALL

v. Disposition (dismissed? on appeal? currently pending?):

DISMISSED

vi. Approximate date of filing prior lawsuit:

JULY, 2008

vii. Approximate date of disposition:

OCTOBER, 2013

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

1) ON APRIL 15TH 2016, ON THE 7-3 SHIFT AT COXSACKIE C.F., WHILE HOUSING ON D1-GALLERY AT D1-19 CELL, CORRECTION OFFICER T. DANKE WAS ACTING UNDER "THE COLOR OF LAW", SUBJECTED ME TO BEING SEXUALLY HARASSSED AND RETALIATION ON (FROM MY FEB. 2016 GRIEVANCE/COMPLAINT(S) ON THIS OFFICER) SEE: EXHIBIT A (#CX-18859-016 AND #CX-18908-016)

2) ON MAY 15TH 2016, ON THE 7-3 PM SHIFT AT COXSACKIE C.F. WHILE HOUSING ON A2-GALLERY AT A2-31 CELL, CORRECTION OFFICER K. HOFFMAN WAS

(SEE ATTACHED SHEET)

CONTINUATION OF PAGE # 4 FACTS

ACTING UNDER "THE COLOR OF LAW" FAISIFIED MISBEHAVIOR REPORT WHICH SUBJECTED ME TO CONFINEMENT FOR RETALIATION (SEE EXHIBIT B) OF MY PRA REPORTS ON CORRECTION OFFICER T. DANLIE AND THE GRIEVANCES/COMPLAINTS FROM FEB AND APRIL 2016 (SEE EXHIBIT A # 18983-016)

3) ON JULY 12TH 2016, I WAS PLACED ON A CALL-DOWN TO COXSACKIE GRIEVANCE DEPARTMENT CONCERNING S.H.W MAIL PICK-UP, BEFORE THIS HEARING COMMENCED, I HAD ASKED THE ACTING INMATE GRIEVANCE PROGRAM SUPERVISOR MR. S. IARRUSSO ABOUT MY GRIEVANCES WRITTEN ON THE SUPERINTENDANT DANIEL F. MARTUSCELLO JR. AND THE D.S.S. RAYMOND SHANLEY ABOUT THEIR FAILURE TO PROTECT AND CONTINUOUSLY RETALIATION AGAINST ME BY WAY OF DISCIPLINARY ACTIONS AND PROGRAM CHANGES, THAT HAVE NOT BEEN FILED YET. MR. IARRUSSO STATED IN A ANGRY AND BELLIGERENT TONE "YES I THREW THEM AWAY, I DON'T CARE ABOUT YOUR GRIEVANCES/COMPLAINTS ABOUT THE SUPERINTENDANT I WOULD NEVER PERSONALLY FILED THEM ANYWAY" (SEE EXHIBIT C # CX-19053-16 AND EXHIBIT D - COMPLAINT) ALSO (SEE EXHIBIT E # CX-19054-16)

4) ON SEVERAL DIFFERENT OCCASSIONS I HAD REPEATEDLY NOTIFIED THE DEPUTY SUPERINTENDANT OF SECURITY (D.S.S.) R. SHANLEY AND THE SUPERINTENDANT D.F. MARTUSCELLO JR. DATED FROM APRIL 18TH 2016 TO JULY OF 2016 ABOUT HOW I FEAR FOR MY LIFE SINCE THE SEXUAL HARASSMENT AND

CONTINUATION OF PAGE # 4 FACTS

RETALIATIONS WHILE AT COXSACKIE C.F. I HAVE BEEN SUMMONS TO THE CAPTAINS OFFICE TO MEET WITH BOTH SUPERINTENDANT MARINSCENKO JR. AND D.S.S. SHANLEY ON MANY OCCASSIONS ONLY TO THAN BE THREATEN, RIDICULED AND DISMISSED.

5) ON Sunday 30TH 2016 AT APPROXIMATELY 3:15 PM AT COXSACKIE C.F. WHILE HOME IN F-BLOCK, F-3 GALLERY RETURNING FROM A VISIT WITH MY WIFE, CORRECTION OFFICER S. MEIER, G. LANGTRY, S. BENCE, AND E-COON ALONG WITH OTHER "UNKNOWN" OFFICERS HAD ALL ACTING UNDER "THE COLOR OF LAW" SUBJECTED ME TO ASSAULT AND BATTERY, WITHOUT PROVOCATION (AND RETALIATION FROM MY GRIEVANCE(S)/COMPLAINT(S), PHONE-CALLS TO PRESA HOT LINE (#77) AND COOPERATION WITH THE SPECIAL OFFICE OF INVESTIGATION, ON AND WITH CORRECTION OFFICER T. JANKIE ON FEB-26-2016 AND IN APRIL 2016 (REFER BACK TO EXHIBIT A) WHILE INCARCERATED AT COXSACKIE C.F. IN 2016) CAUSING ME SEVERE PHYSICAL AND MENTAL PAINS WITH INJURIES WHICH CLEARLY IS EXTREME LOWER BACK PAINS, AND HAVING TO GO TO AIRBAG MEDICAL EMERGENCE ROOM (OUTSIDE HOSPITAL) FOR FIVE (#5) STITCHES OVER MY RIGHT EYE, BLURR VISION WITH BLACKNESS COMING IN AND OUT OF MY RIGHT EYE! (SEE EXHIBIT F# CX-19094-16)

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

EXCESSIVE FORCE AND SEXUAL HARASSMENT IN
VIOLATIONS OF PLAINTIFF, EIGHTH AMENDMENT
RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL
PUNISHMENT AND SEXUAL HARASSMENT.

SECOND CAUSE OF ACTION

RETALIATION IN VIOLATIONS OF PLAINTIFF
FIRST AMENDMENT RIGHTS TO SEEK REDRESS,
WITHOUT RETALIATION FOR DOING SO.

THIRD CAUSE OF ACTION

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

COMPENSATORY DAMAGES IN THE AMOUNT OF THREE MILLION
DOLLARS (\$3,000,000) AND PUNITIVE DAMAGES IN THE AMOUNT
OF TWENTY THOUSAND DOLLARS (\$20,000) FROM EACH DEFENDANT.
FOR AUDIO AND VISUAL SURVEILLANCE ON AND THROUGH
(SEE ATTACHED)

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 11-13-2016

Valen Hays # 05A3850

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/20/10

CONTINUATION OF PAGE # ~~6~~ PRAYER FOR RELIEF

OWN COXSACKIE CORR. FAC. ALONG SIDE AS BODY CAMERAS ON
EVERY CORRECTION OFFICER TO STOP CUSTOMARY ABUSE.

~~6~~

Continuation

AFFIDAVIT OF TAHEEN HAYES

STATE OF NEW YORK ss:
 County of FRANKLIN

I TAHEEN HAYES, BEING duly sworn deposes and says:

ON OCT. 29TH 2016 WHILE IN UPSTATE CORR.FAC I WAS ESCORTED BY TWO (2) UNKNOWN OFFICERS ON 9 BLOCK C1-GALLERY TO RECEIVE MY PROPERTY. WHEN THESE TWO OFFICERS NOTICE THAT I HAD SEVERAL GRIEVANCES AND COMPLAINTS WRITTEN, THE TALLER ONE OF THE TWO OFFICERS CALLED OVER THE SERGEANT THAT WAY STANDING BY. AFTER SHOWING OFF MY GRIEVANCES/COMPLAINTS, THE UNKNOWN SERGEANT SAID 'WE WILL F*CK YOU UP IF YOU THINK YOU ARE GOING TO COME HERE (UPSTATE C.F.) AND FILE ANY GULL-SHIT COMPLAINTS ON THE OFFICERS OR ADMINISTRATION.'

THEY THEN MADE A COMMENT AS TO: ASK THE SPOOK IN C1-13 CELL MAC MASTER ON HOW IT FEELS TO BE A COMPLAINTEE IN UPSTATE, AND HOW IN NOVEMBER WE ALMOST KILLED HIM. THIS INCIDENT AND COMMENTS ARE ALL ON VIDEO AND SHALL BE REVIEWED FOR THE VERACITY OF THIS CHAIN.

I Depose under penalty of perjury that the foregoing is true and correct.

Sworn to before me
 on this 9 day of

November, 2016

Respectfully
 Taheeh Hayes

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x Julie L. Hungerford
 Notary Public

Julie L. Hungerford
 Notary Public State of New York
 No. 01HU6270180
 County of Franklin
 My Commission Expires on 10/15/2020

9-C1-8^B